



Report Committee of Adjustment

Filing Date: June 13, 2022

Hearing Date: July 12, 2022

File: A-2022-0193

Owner/

Applicant: PRADEEP SATHYASEELAN AND SIMI VATTATHARA LOHITH

Address: 13 Tundra Swan Road

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2022-0193 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official.
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That drainage on adjacent properties not be adversely impacted; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Street Townhouse B (R3B-1264)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in a required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;

2. To permit a 0.85m (2.79 ft.) setback to an existing below grade entrance whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.);

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The nature and extent of the proposed variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a below grade entrance in a required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested to permit a 0.85m (2.79 ft.) setback to an existing below grade entrance whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.). The intent of the by-law in prohibiting below grade entrances in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The owner has constructed a below grade entrance encroaching into the required interior side yard. A condition of approval is recommended that the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official. The entrance is not considered to impact drainage and the configuration of the entrance landing with steps on either side will maintain access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit a proposed below grade entrance and landing to be situated in the required interior side yard. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variances pertaining to the proposed below grade entrance are not considered to have significant impact on drainage or limit access to the rear of the property. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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